



**Responsible Office: Aeronautics Research Directorate**

**SUBJECT: Authority to Enter into Space Act Agreements**

## **1. POLICY**

### **a. Overview**

(1) NPD 1050.1 provides authority and guidance for Reimbursable, Nonreimbursable, Funded, and International Agreements as authorized by the National Aeronautics and Space Act (Space Act) (51 U.S.C. 20101 *et seq.*).

(2) NPD 1050.1, paragraph 5.a, authorizes Directors of NASA Centers to negotiate, execute, amend, and terminate:

(i) Reimbursable and Nonreimbursable Agreements with any U.S. domestic entity to include other Federal Agencies; and

(ii) Funded Agreements with other Federal Agencies; however

(iii) No authority is delegated to the Center for any International Agreements.

(3) This Policy Directive contains the Langley Research Center (LaRC) Center Director's delegation of authority for the execution, amendment, and termination of Agreements, as defined by NPD 1050.1, by and on behalf of LaRC; the LaRC Center Director's delegation of responsibility for selecting the LaRC Agreements Manager; and related guidance. This Directive applies to all LaRC Agreements developed based on the "other transaction" authority in the Space Act as described in NPD 1050.1, paragraph 1.

### **b. Agreements**

NPD 1050.1, paragraph 5.f, defines "Signing Official" as "a NASA employee delegated the responsibility to execute Agreements for the Agency." The term will be used with the same meaning in this LAPD. NPD 1050.1 delegates signature authority to the LaRC Center Director, and section 6 of this LAPD re-delegates that signature authority at LaRC. All LaRC Agreements shall be written, signed on behalf of NASA by the Signing Official, and comply with the requirements contained in NPD 1050.1.

(1) Reimbursable Agreements:

(i) Signing Officials shall execute Reimbursable Agreements in accordance with NPD 1050.1, paragraph 1.a. Signing Officials shall ensure that supporting cost estimates have been prepared and have been reviewed by the LaRC Office of Chief Financial Officer (OCFO). Additionally, if NASA is to be reimbursed for less than the full cost of its activities performed under the Agreement, Signing Officials shall determine that the proposed contribution of the Agreement Partner is fair and reasonable compared to the NASA resources to be committed, NASA program risks and corresponding benefits to NASA, as well as market rates. Reimbursable Agreements shall comply with the requirements of NPR 9090.1.

(ii) Required Documentation. Agreements shall be initiated and reviewed utilizing the Space Act Agreement Maker (SAAM) to the maximum extent practicable. For projects funded by other Federal Government Agencies where funds transferred to NASA will not exceed \$5 million, and where use of SAAM is not practicable, a funding document such as a Military Interdepartmental Purchase Request (MIPR) or Financial Management Service Forms 7600A and 7600B may serve as the Agreement if, at a minimum, the provisions required by NPD 1050.1, paragraphs 1.e.(1-8) are included.

(2) Non-Reimbursable Agreements:

Signing Officials shall execute Non-Reimbursable Agreements in accordance with NPD 1050.1, paragraph 1.b. Signing Officials shall review costs estimates of the value of the NASA resources to be committed and make a determination that the proposed contribution of the Agreement Partner is fair and reasonable compared to the NASA resources to be committed, NASA program risks, corresponding benefits to NASA, and market rates, if any exist.

(3) Funded Agreements:

(i) With non-Federal Government entities: The LaRC Agreements Manager shall coordinate with the LaRC Office of Chief Counsel (OCC) to document that NASA Office of General Counsel (OGC) review has been obtained and documented prior to execution of Funded Agreements, as required by NPD 1050.1, paragraph 5.e.

(ii) With Federal Government entities utilizing procurement resources (to include acquisition assistance) of another Federal Government entity: The agreement shall be processed by the LaRC Office of Procurement (OP). LaRC OP is responsible for conducting Interagency Acquisitions in accordance with the procedures and requirements found in FAR Part 17 and NASA FAR Supplement (NFS) Part 1817.70.

(iii) With Federal Government entities that will utilize the efforts of federal employees (other than acquisition assistance) of the other Federal Government entity, interagency activities where contracting is incidental to the purpose of the transaction, or orders of \$500,000 or less issued against Federal Supply Schedules: The

agreement shall be processed by the LaRC OCFO in accordance with the current NASA OCFO guidance (see paragraph 4.g., below, for the current process at the time this LAPD is issued).

**(4) International Agreements:**

NPD 1050.1, paragraph 5.c, places responsibilities for negotiating, executing, amending, and terminating International Agreements with the Associate Administrator (AA) for the Office of International and Interagency Relations (OIIR). The LaRC Agreements Manager shall ensure that an abstract (or functional equivalent) is completed for proposed International Agreements prior to Center coordination with the AA for OIIR or designee to comply with NPD 1050.1, paragraph 5.g. LaRC personnel shall follow LMS-CP-1050.7 when developing a proposed International Agreement.

**(5) Agreements not Covered by this Directive:** The following agreements are not covered by this Directive:

- i. Intergovernmental Personnel Act agreements (processed under 5 U.S.C. §§ 3371-76 and 9808; 5 C.F.R. Part 334; NPG 3300.1, Chapter 6; and LPR 3334.1);
- ii. Acceptance of reimbursable (sponsored) travel for meetings (processed using Langley Forms 92 and 93) under 31 U.S.C. 1353, the Federal Travel Regulation, 41 C.F.R. §304-1.4, NPD 9710.1, paragraphs 5e and 5f);
- iii. Acceptance of gratuitous services for Distinguished Research Associates (processed under NPR 9090.1, paragraph 1.2.2(b) and LaPD 1300.4);
- iv. Gratuitous Service Agreements for Students (authorized by 5 U.S.C. 3111 and 5 C.F.R. Part 308, and processed by OHCM);
- v. Correspondence not requiring a commitment of Agency resources (NPR 1450.10);
- vi. Contracts, under the Federal Acquisition Regulation (48 C.F.R.) and NPD 5101.32;
- vii. Grants, and other procurements (processed under the Grants and Cooperative Agreements Handbook, 14 C.F.R. Part 1260) and NPD 5101.32.

**c. Estimated Price Reports**

The LaRC OCFO shall review all cost estimates prepared for Agreements as required by NPD 1050.1, paragraphs 1.a, 1.c, and 5.b, and applicable OCFO guidance.

**d. Written Waivers Required by NPD 1050.1**

NPD 1050.1, paragraphs 1.f. (1) and (2), provide for waivers from the requirements to collect funds in advance of performing work and for requiring insurance for high-risk activities. The NPD provisions provide the documentation requirements for such waivers. The LaRC Agreements Manager is responsible for assuring that any waivers approved are stored in the SAAM system as part of the documentation of the Agreement.

**e. Recovery of Less Than Full Cost on Reimbursable Agreements**

All waivers of cost shall be processed in accordance with the procedures of NPR 9090.1A. LaRC consent to perform reimbursable work for less than the full cost of such work for any party shall be documented in an Estimated Price Report (EPR), receive legal review from OCC, approval by the applicable NASA funding organization (except in the case of collaborative work), and receive LaRC OCFO concurrence. Ultimately, any such waiver of cost is concurred in by the Agreement Signing Official if he or she signs the Agreement. Any reduction in Contract Administration and Audit Services (CAAS) charges must be coordinated with the LaRC OCFO and approved by the NASA OCFO. Cost Waivers for Center Management and Operations (CMO) charges must be coordinated with the LaRC Sponsoring Product Unit (PU) and the LaRC OCFO and must be approved by the Center Director. Any costs (including CMO) not recovered from the reimbursable customer are the financial responsibility of the NASA LaRC Sponsoring PU, unless specifically waived by the Center Director. The LaRC Agreements Manager is responsible for assuring that the fully approved EPR is stored in the SAAM system as part of the documentation of the Agreement.

**f. Payments****(1) Installment Payment Option.**

When installment payments are agreed upon, the installment payment schedule shall be specified in the agreement. Installment payments shall be at least 25 percent of the agreement value per fiscal year, but shall not be less than \$25,000 per installment.

**(2) Starting and Continuing Work.**

Payments from industry customers/partners or budget authority (fund cite) from government partners shall be received at LaRC prior to starting any work unless a written waiver has been approved pursuant to NPD 1050.1, paragraph 1.f.(1), or LaRC has agreed to recover less than full cost pursuant to paragraph 1.e, above, in which case work may begin as long as adequate funds are available to cover the work being performed. Availability of any of these funds will be evidenced by the creation of a reimbursable Work Breakdown Structure number against which work can be charged. Work may continue only as long as adequate funds are available in the NASA LaRC accounting system from either 1) the amounts approved pursuant to NPD 1050.1, paragraph 1.e. or 1.f.(1), or 2) from funds received from the customer. Work shall stop immediately when the NASA LaRC accounting system shows no budget authority remains from these sources.

**2. APPLICABILITY**

This LAPD is applicable to LaRC.

### **3. AUTHORITY**

- a. National Aeronautics and Space Act, 51 U.S.C. § 20113(e).
- b. NPD 1050.1, "Authority to Enter into Space Act Agreements."

### **4. APPLICABLE DOCUMENTS AND FORMS**

- a. NPR 9090.1A, "Reimbursable Agreements."
- b. NASA FAR Supplement 1817.70, "Interagency Acquisitions."
- c. NAI 1050-1, "Space Act Agreements Guide."
- d. LMS-CP-1050.7, "Development of International Agreements."
- e. LMS-CP-2731, "Outgoing Property Loans."
- f. LMS-CP-2737, "Incoming Property Loans."
- g. "Process – Interagency Agreements Not Covered By The Federal Acquisition Regulation (FAR)." NASA OCFO process, distributed by e-mail dated March 28, 2013, by Terrance C. Alfred, Director, Financial Management Division, NASA OCFO, to be utilized beginning April 1, 2013. Refer to LaRC Procurement Outreach website (<http://opoutreach.larc.nasa.gov/>) click on Interagency Acquisitions link for further information.
- h. Financial Management Service (FMS) Form 7600A, "United States Government, Interagency Agreement (IAA) – Agreement Between Federal Agencies, General Terms and Conditions (GT&C) Section."
- i. FMS Form 7600B, "United States Government, Interagency Agreement (IAA) – Agreement Between Federal Agencies, Order Requirements and Funding Information (Order) Section."
- j. LF 5, "Bill for Collection."
- k. LF 240, "Request for Estimated Price Report (EPR)."
- l. LF 419, "Estimated Price Report (EPR)."

### **5. RESPONSIBILITY**

- a. The Center Director or Signing Official authorized by this Policy Directive is responsible for executing, amending, and terminating Agreements.

b. As the responsible office for this Policy Directive, the Aeronautics Research Directorate (ARD) will conduct regular meetings to review the policy and related processes and to resolve associated issues. Representatives from OCC, OCFO, and the appropriate PU and Core Resource Units will attend this meeting. These representatives will be empowered by their respective Director or Office Chief to make decisions that resolve issues about Agreements under development.

c. LaRC Agreements Manager.

(1) The Director of the ARD shall select and supervise the LaRC Agreements Manager.

(2) The LaRC Agreements Manager is responsible for performing or facilitating the performance of each of the Agreement Manager responsibilities listed in NPD 1050.1.

(3) The LaRC Agreements Manager coordinates with the appropriate PU in the creation of all Agreements.

(4) The LaRC Agreements Manager shall ensure SAAM is utilized to create all Agreements, when possible, and to store all Agreements (see paragraph 5.a, NPD 1050.1) and any additional related documentation as required, e.g. see paragraph 1.d and 1.e, above.

(5) The LaRC Agreements Manager shall coordinate with the appropriate PU and OCC to review proposed Agreements and comply with the preliminary abstract review process referenced in NPD 1050.1, paragraph 1.e. When the LaRC Agreements Manager determines that NASA Mission Support Directorate (MSD) review of an abstract is required, the LaRC Agreements Manager shall notify the sponsoring organization and obtain LaRC OCC review of the abstract prior to forwarding the abstract to MSD.

(6) The LaRC Agreements Manager shall forward all Agreements with other U.S. Federal Agencies to the AA for OIIR for review as required by NPD 1050.1, paragraph 5.c. Interagency Acquisitions processed by LaRC OP under section 1.b.(3)(ii) and Interagency Agreements not covered by the FAR processed by the LaRC OCFO under section 1.b.(3)(iii) of this LAPD are not covered by this requirement.

(7) The LaRC Agreements Manager shall inform sponsoring organizations that all agreements with International Partners must be negotiated and executed by the AA for OIIR, as required by NPD 1050.1, paragraph 5.c. The sponsoring organization will formulate an abstract for the agreement which the LaRC Agreements Manager will coordinate through OCC to MSD, per NPD 1050.1, paragraph 5.d.

(8) The LaRC Agreements Manager shall coordinate with OCC to document that OGC review has been obtained and documented prior to execution of Funded Agreements as required by NPD 1050.1, paragraph 5.e.

## 6. DELEGATION OF AUTHORITY

a. The Center Director delegates to the Deputy Center Director the authority to execute, amend, and terminate any type of Agreement that is within the Center Director's authority. In the absence of the Center Director or Deputy Director, the individual serving in those capabilities as Acting Center Director or Acting Deputy Director is delegated responsibility for any type of Agreement that is within the Center Director's authority.

b. The Center Director delegates to the Director of ARD, as the Director responsible for this Agreements process, the authority to execute, amend, and terminate **Reimbursable Agreements, Non-Reimbursable Agreements, and Interagency Acquisitions under 1.b.(3)(iii), above, that fall within the authority of the Center.** The intent is that the Director of ARD may sign the specified agreements for organizations not delegated specific authority and to serve as backup for organizations delegated such authority under 6.c, below.

c. The Center Director delegates to the Directors of Space Technology and Exploration Directorate (STED) and Science Directorate (SD) the authority to execute, amend, and terminate **Reimbursable Agreements, Non-Reimbursable Agreements, and Interagency Acquisitions under 1.b.(3)(iii), above, that fall within their respective areas of management responsibility.**

d. For the Directors delegated authority under 6.b. and c., the following apply:

(1) When a Director with signatory authority is absent from the Center for a continuous period of two business days or more, that Director's Deputy is delegated the same authority as the Director for the period of absence. Personnel delegated signatory authority under this authority may not further delegate that signature authority.

(2) For Umbrella Agreements, a Director with signatory authority may re-delegate to a responsible NASA LaRC program or project manager the authority to execute, amend, and terminate annexes. The appointment must state the name of the individual or position title delegated the authority and limitations in the delegation (if any). The written notice shall be provided to the individual delegated signature authority and a copy shall be furnished to the LaRC Agreements Manager. Unless otherwise stated, it is expected that such delegations are effective for the life of the Umbrella Agreement. Personnel delegated signatory authority under this authority may not further delegate that signature authority.

e. The Center Director delegates to the Supply and Equipment Management Officer, Center Operations Directorate, the authority to execute, amend, and terminate **property loan agreements** lending NASA equipment or non-real property or borrowing non-NASA equipment or non-real property, subject to compliance with LMS-CP-2731, "Outgoing Property Loans," or LMS-CP-2737, "Incoming Property Loans."

- f. The Center Director delegates to the Patent Counsel the authority to execute, amend, and terminate material testing product agreements that require NASA to lend **materials for evaluation** by the other party.
- g. The Center Director reserves authority to execute **real property agreements**.
- h. The Center Director delegates to the Deputy Director; the Associate Director; and the directors of ARD, STED, and SD the authority to negotiate, execute, amend, and terminate **non-disclosure agreements (NDAs)** in those rare instances when the other party is unwilling to accept a Trade Secrets Act Acknowledgment Form (NASA Form 1822) or other assurances of confidentiality, subject to coordinating any such NDA with LaRC OCC prior to signing them.
  - (1) In these rare instances when an NDA is required, it should follow the format prescribed by NASA OGC.
  - (2) Additionally, for situations in which Center employees will receive data subject to such NDAs, the employees shall sign an acknowledgment, which may be at the bottom of the NDA (below the Signing Official's signature), that they have received notification of the Agreement's obligations.
  - (3) It is NASA policy that there is never an official need for a civil servant employee to execute a personal NDA with a third party for the conduct of NASA business.
- i. The Center Director delegates to the Deputy Director and the Directors of the ARD, STED, and SD the authority to sign **letters of commitment**. Such letters bind the Center to provide the specified resources under a formal agreement to be entered into if the proposal supported by the commitment letter is chosen for funding. OCC shall review and concur on each letter of commitment prior to its execution.
- j. In the absence of any individual delegated authority in 6.e.-i., above, the person serving in the Acting capacity may exercise the delegated authorities.
- k. Re-delegation of signature authority except as specified in this LAPD is prohibited.
- l. It is the responsibility of each individual entering into an agreement under the authorities delegated to ensure that the document being signed has been processed in accordance with applicable procedures and is legally appropriate.

## 7. MEASUREMENT/VERIFICATION

None.



## **8. CANCELLATION**

LAPD 1050.2, "Space Act Agreements and Interagency Agreements," dated March 22, 2011.

*Original signed on file*

Stephen G. Jurczyk  
Center Director

### **DISTRIBUTION**

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